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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. CR 15-437 CRB
	)	
Plaintiff,	)	
	)	<b>STIPULATION REGARDING DEFENDANT'S</b>
v.	)	<b>BANK RECORDS AND PRIVACY ACT AND</b>
	)	<b><del>PROPOSED</del> ORDER</b>
CHARLYNE BASADA,	)	
a/k/a "Charlyne Melendres,"	)	Court: Hon. Charles R. Breyer
	)	
Defendant.	)	

The United States of America, the defendant Charlyne Basada, and victim Warner Schmalz stipulate as follows:

Defendant has pleaded guilty to bank fraud and aggravated identity theft in connection with a \$1,086,000 embezzlement scheme that she carried out against four separate employers for whom she worked as a bookkeeper. Dkt. 30. One of these four employers is Forum Design, an architecture firm in San Francisco owned by Warner Schmalz. As part of its investigation, the government obtained bank records for defendant's personal bank accounts at Citibank and Bank of America into which she deposited the proceeds of her fraud. As part of his own investigation into defendant's fraud and to attempt to trace and recover any funds defendant embezzled from Forum Design, Mr. Schmalz has requested that the government provide him with copies of these bank records.

STIPULATION RE: BANK RECORDS AND PRIVACY ACT AND ~~PROPOSED~~ ORDER  
CR 15-437 CRB

1 These records are covered by the Privacy Act of 1974, 5 U.S.C. § 552 *et seq.*, and their  
 2 disclosure is governed by this statute. The government can provide copies to Mr. Schmalz with the  
 3 consent of those whose information is contained within these records, 5 U.S.C. § 552a(b), or with a  
 4 court order, 5 U.S.C. § 552a(b)(11).

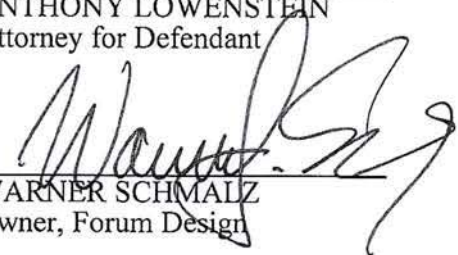
5 Defendant has provided her consent to the release of these records, and the parties and Mr.  
 6 Schmalz now jointly request that this Court order the production of defendant's bank records to Mr.  
 7 Schmalz. As Mr. Schmalz is a victim of defendant's offense, as these records show where his money  
 8 went, and as defendant consents to their release, there is good cause to do so. Moreover, the parties  
 9 jointly request that Mr. Schmalz's use of these records be limited to reviewing how defendant used the  
 10 money that she obtained from Forum Design as part of the fraud and to recover these funds. The parties  
 11 request that the Court order Mr. Schmalz not to further disseminate, disclose, or publish these records,  
 12 but that he be permitted to show the records to his attorney and wife, and be permitted to show them to  
 13 any other individual so long as it is consistent with the purposes of tracing or recovering funds.


14 **IT IS SO AGREED AND STIPULATED.**

15 DATED: April 6, 2016

16 /s/  
 BENJAMIN KINGSLEY  
 Assistant United States Attorney

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 18 /s/  
 ANTHONY LOWENSTEIN  
 Attorney for Defendant

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 22 WARNER SCHMALZ  
 Owner, Forum Design

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 25 BURTON C. ALLYN, IV  
 Attorney for Warner Schmalz

~~[PROPOSED]~~ ORDER

Pursuant to the above stipulation, the government is ordered to produce defendant's Citibank and Bank of America bank records in its possession to Warner Schmalz to determine how defendant used the money that she obtained from Forum Design as part of the fraud and to recover any funds. Mr. Schmalz shall not further disseminate, disclose, or publish these records without further order of the Court. He is permitted to show the records to his attorney and wife, and is permitted to show them to any other individual so long as it is consistent with the purposes of tracing or recovering funds.

IT IS SO ORDERED.

DATED: April 7, 2016



HON. CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE